



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline and
associated facilities in the Municipality of Chatham
Kent and Municipality of Lakeshore**

PROCEDURAL ORDER NO. 7

September 21, 2023

Enbridge Gas Inc. (Enbridge Gas) originally applied to the Ontario Energy Board (OEB) on June 10, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct a project which included approximately 19 kilometres of natural gas pipeline from its Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore (Panhandle Loop) and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Leamington Interconnect). The project also involved valve site station work required to tie in the proposed pipelines. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it has or will offer to landowners on the route of the project.

Enbridge Gas filed an amended application on June 16, 2023. In the amended application, Enbridge Gas stated that it reassessed the project and decided to remove the Leamington Interconnect. Enbridge Gas also updated the project demand forecast, project construction and in-service schedules, the costs and economics and the other evidence affected by the changes in the project's scope, schedule and costs.

On July 28, 2023, the OEB, among other matters, set a timeline for written interrogatories on Enbridge Gas's amended application, a virtual technical conference, Enbridge Gas's argument-in-chief, and written arguments. On August 25, 2023, Enbridge Gas filed a letter outlining the interrogatory and undertaking responses that are no longer applicable as a result of its amended application. In that letter, Enbridge Gas also outlined the interrogatory and updated responses that it committed to updating at the time it will provide responses to the interrogatories on its amended application.

On August 25, 2023, the OEB issued a letter proposing an oral hearing, following the written discovery process, in place of the currently planned technical conference. In that letter, the OEB proposed that the oral hearing would focus on the issues of project need, alternatives and cost and economics, including the applicability of EBO 134 and EBO 188 and proposed that issues relating to environmental impacts, landowners matters, and Indigenous consultation would be addressed through a written process only. The OEB provided parties and OEB staff with an opportunity to file written submissions on the issues to be addressed in an oral hearing and the format any oral hearing might take.

Enbridge Gas Request for an Extension to File Interrogatory Responses

On September 18, 2023, Enbridge Gas filed a letter requesting an extension to file responses to interrogatories on its amended application and updated responses to its previous interrogatory and undertaking responses (as outlined in its August 25, 2023 letter) to October 3, 2023 (from September 26, 2023).

Enbridge Gas noted that nine parties submitted interrogatories on its amended application in addition to the interrogatory and undertaking responses it identified would be updated. Enbridge Gas stated that it is requesting this extension in order to provide sufficient time for it to develop comprehensive responses to the new interrogatories while ensuring consistency and clarity with respect to the updated interrogatory and undertaking responses.

Pollution Probe supported Enbridge Gas's extension request and requested that the OEB also extend the following procedural schedule by a week.

The OEB finds Enbridge Gas's request to be reasonable given the circumstances and grants the requested extension for Enbridge Gas to file its interrogatory responses on its amended application and updated interrogatory and undertaking responses as outlined in its August 25, 2023 letter by **October 3, 2023**.

Submissions on Oral Hearing

Each of Association of Power Producers of Ontario (APPrO), Atura Power, Energy Probe, Industrial Gas Users Association (IGUA) and Pollution Probe filed written submissions. Enbridge Gas also filed a reply submission.

No party objected to the OEB's proposed scope for the oral hearing or the issues the OEB had proposed to be heard through a written process only.

APPPrO submitted that the issue of conditions of approval should also be addressed through a written process. Enbridge Gas agreed with APPPrO's submission.

Regarding the format of the oral hearing, APPPrO and Energy Probe requested that the oral hearing be conducted in-person and IGUA and Pollution Probe recommended a hybrid approach to the hearing.

Pollution Probe also recommended that energy transition and integrated resource planning be specifically identified as relevant issues in this proceeding. Enbridge Gas submitted that to the extent these aspects may be relevant to the proceeding, they are subsumed within the issues of project need and alternatives and do not need to be specifically identified.

Oral Hearing

The OEB will hold a hybrid hearing (in-person and virtual), following the written discovery process, in place of the currently planned technical conference. The hybrid hearing will be held from **October 23 – 24, 2023** and if necessary, continue for one additional day on **October 27, 2023**.

The hearing will focus on the issues of project need, alternatives and cost and economics, including the applicability of EBO 134 and EBO 188. Issues relating to environmental impacts, landowner matters, Indigenous consultation and conditions of approval will proceed directly to written submissions and should not be canvassed in the hybrid hearing.

The OEB also notes that matters relating to energy transition and integrated resource planning, to the extent they may be relevant to the application, are within the scope of the proceeding.

The hearing will be held in the OEB's hearing room at 2300 Yonge Street, 25th floor. Parties will also be able to participate virtually; further information in that regard will be communicated to parties closer to the hearing start date.

The OEB provides the following directions with respect to the hybrid hearing.

Enbridge Gas shall make every effort to have its own staff witnesses available in person at the oral hearing. The OEB is of the view that having these panels available in person will facilitate a more efficient process.

Intervenors can choose if they would like to attend, and cross-examine, in person or virtually.

In addition, the OEB requests that, at the outset of the oral hearing, each party provide an opening statement no longer than five minutes to outline their position on Enbridge Gas's application.

The OEB expects parties to work directly with OEB staff to develop an effective hearing schedule. The OEB also expects parties to coordinate efforts and be mindful of the amount of hearing time available. OEB staff will contact the parties directly to begin the process of preparing a hearing schedule.

The OEB notes that masks are not mandatory at the OEB's offices, however it is a mask-friendly environment. Please stay home if you are sick or have symptoms of illness, even if they are mild. If you are not well, please join the hearing virtually.

Next Steps

It is necessary to make provision for the following matters related to this proceeding. This procedural order replaces the remaining timeline previously set out in Procedural Order No. 6.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and the updated interrogatory and undertaking responses and serve them on intervenors by **October 3, 2023**.
2. The OEB will hold a hybrid hearing in the OEB's hearing room at 2300 Yonge Street, 25th floor, Toronto, starting at 9:30 a.m. from **October 23, 2023 to October 24, 2023**. If necessary, the oral hearing will continue on **October 27 2023**. For parties that wish to participate virtually, further information on how to participate virtually will be communicated to parties closer to the date.
3. Responses to undertakings from the oral hearing shall be filed with the OEB and sent to all other parties by **November 9, 2023**.
4. Enbridge Gas shall file its argument-in-chief with the OEB and serve it on all intervenors by **November 16, 2023**.

5. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **November 30, 2023**.
6. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all intervenors by **December 14, 2023**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2022-0157** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **September 21, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar